PETITION FOR WRIT OF CERTIORARI

Supreme Court, U.S.
FILED
07-898 DEC 26 2007
OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

Leslie Feher
Petitioner

V

John Jay College of Criminal Justicd,
City University of New York
Maureen O'Connor
Respondents

On petition for Writ Of Certiorari
To The Supreme Court of New York

PETITION FOR WRIT OF CERTIORARI

Leslie Feher, Ph.D.
Petitioner Pro Se
444 East 82 Street
New York, N.Y. 10028
212-988-6617

Best Available Copy

QUESTIONS PRESENTED

The case concerns possible invasion of privacy and the dissemination of that information, and in distorted form, to the detriment of the Petitioner personally and professionally. This went beyond the scope of employment yet the Courts below only ruled on employment issues.

1. Were the orders and rulings of the NY Supreme Court and Appellate Court properly made? The Courts bellows ruled only on what was not requested.
2. Can arbitration be required prior to a Court ruling when the party never agreed to arbitrate. According to the Courts below it can be. The Petitioner never agreed to arbitrate nor was she a party to any contract that included arbitration.
3. Can Constitutional rights be signed away or taken away? According to the Courts below it can be. Due process is a Constitutional right and that was denied. .
4. Can two parties contract away the rights of a third party that was not part of the contract process? According to the Courts below they can particularly if that third party works for one of the two who agreed to the contract.
5. Can a NY State University employee be sued in the NY Supreme Court particularly if they acted outside of their duties? It is unclear from the Court decisions below whether or not this is so.
6. Can a University acting out of the scope of their

duties and the guidelines of their public finding be sued in the NY Supreme Court? Based upon the Decisions below they can only be sued in Civil Court...

7- Is a University, or an individual working for that University exempt from repercussion when violating an individual's rights? The Respondents claimed special privilege because of their University status and the Courts below may have agreed with that.

8- Are all individuals who have had therapy subject to having legal, professional, and personal rights violated? That seems to be the outcome of this case

9- Does an individual have the right to their calling without it being jeopardized by the dissemination of invented, exaggerated or detrimental and very private information and which was obtained without consent? It is unclear what the Courts below determined.

10- Can discovery or subpoena rights be denied? According to the Courts below it can be.

11- Can evidence be intentionally concealed in a case particularly when detrimental to the other party and their case presentation? The Courts below indicate it can be.

12- Can an individual be denied the right to face their accusers or correct misinformation that is detrimental to them? According to the Courts below apparently that is so.

13- Can one party"s papers be so obfuscated that it is impossible to address adequately by the other party but is still be considered by the Court. The Courts

below made their determinations upon Respondent's totally obfuscated papers.

LIST OF PARTIES

The names of all parties appear in the caption of the case on the cover page.

TABLE OF CONTENTS

QUESTIONS..... ..i
LIST OF PARTIES.....,,,,,,,,, iii
TABLE OF CONTENTS..... iv
INDEX TO APPENDIX..... iv..
TABLE OF AUTHORITIES
Cases..... .v
Statutes and rules.....v.
OPINIONS BELOW.....1
JURISDICTION.....1
CONSTITUTIONAL AND
STATUTORY PROVISIONS
INVOLVED.....2
STATEMENT OF THE CASE.....3
REASONS FOR GRANTING THE WRIT.....8
CONCLUSION.....18

..

INDEX TO APPENDIX

APPENDIX A- NY Supreme Court Decision dated 12/1/05
APPENDIX B- NY Supreme Court Decision dated March 4, 2006
APPENDIX C- NY Supreme Court Decision dated June 6, 2006
APPENDIX D- NY Appellate Court Decision dated 2/20/07
APPENDIX E- NY Appellate Decision dated 5/17/07
APPENDIX F- NY Court of Appeals Decision dated

9/4/07
APPENDIX G· Court Complaint
APPENDIX H (1) evaluation-Galietta
H (2) evaluation-Ryba
H (3) evaluation-Litwack
APPENDIX I-Post-observation meeting transcript

TABLE OF AUTHORITIES

CASES

Christopher Cirri v Daily News 9 Misc 3d 1130A
Gorham v De Angelis 25 AD3d 872
Hanford v Plaza Packaging Corp, et al 2 NY3d 340
Maines v Crenomer Valley Fire Dept 50 NY2d 535
Schultz v State of NY 5 NY2d 225
Wright v Universal Maritime Svc Corp 525 US 70

STATUTES AND RULES

Reinstatement 2nd of Torts 652A-6521 on privacy
CPLR 2302, 3101, 3102, 3111, 3120, 3126, 4505, 4507
NY Human Rights Law

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the Court of Appeals that refused permission to appeal, appears at Appendix F to the petition and is reported at Lexis 2375 and is unpublished

The opinion of the highest state court to review the merits appears at Appendix D to the petition and is reported at 37 AD3d 307

The opinion of the Appellate Court, that denied reargument, appears at Appendix E to the petition and is reported at Lexis 6226 and is unpublished

The first opinion of the NY Supreme Court is at Appendix A.. and is unpublished

The opinion of the NY Supreme Court that denied reargument is at Appendix B and is unpublished

The opinion of the NY Supreme Court that denied renewal, etc is at Appendix C and is unpublished

JURISDICTION

The date on which the highest state court decided my case denying review to Appeal to the Court of Appeals was September 4, 2007 and is in

Appendix F

A date on which a request for reargument and related issues in the Appellant Court was denied was May 17, 2007 and is in Appendix E

The date that the Appellant Court rendered its decision was February 20, 2007 and is in Appendix D

The date that the NY Supreme Court denied renewal and related issues was June 26, 2006 and is in Appendix C

The date that the NY Supreme Court denied reargument and related issues was March 4, 2006 and is in Appendix B

The date that the NY Supreme Court denied renewal and related issues was December 1, 2005 and is in Appendix A

The jurisdiction of this Court as involved under 28 USC $1257 (a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The U.S Constitution with emphasis on Article 14, and also Article 5, 1, and Article 6

Reinstatement 2nd of Torts $652A-6521-on privacy

NY Human Rights Law

STATEMENT OF FACTS

Petitioner was an adjunct Professor in the Psychology department at John Jay College from 6/2000 to 5/2005. In March 2005 Petitioner submitted a letter of Complaint to the school regarding inappropriate treatment from Maureen O'Connor, the Psychology Chairperson, and Petitioner was then terminated 3 weeks later by the school. Petitioner was not interested in continued teaching there but she was concerned with the ramifications of the complaint she sent to the school and submitted two grievances. She was told by school staff that it was the schools "policy" and the only way complaints were handled. When that process came to an end Petitioner submitted a summons, complaint and order to show cause to the NY Supreme Court October 7, 2005. The Court Complaint claimed (Appendix G) that there was personal and professional injury, possible invasion of privacy and possible loss of income- none of which was addressed by the grievance process. The order to show cause requested discovery to substantiate the claims by asking for information and documentation that the Respondents had on the Petitioner and reason for termination of

employment at John Jay College despite Petitioner had no interest in reinstatement. It also asked the Court to acknowledge that a Step II decision was invalid and thereby symptomatic of the claims made in the Court Complaint. The issues that triggered the Petitioner starting the case had nothing whatever to do with reinstatement but dealt with repeated references verbally (some of which were caught on tape and submitted as exhibits in the case) to Petitioner's mental competence by Maureen O'Connor and others at the school as well as blatantly distorted and inaccurate evaluations (Appendix H-1; H-2) that clearly were written, at least in part, by someone that had not even observed the class being evaluated. These too implied mental incompetence by the Petitioner. It should be noted that these two evaluations were done by newly appointed faculty that were under the strong influence of O'Connor and as was shown from a tape exhibit and transcript from a Post-Observation meeting (Appendix I) O'Connor was in the habit of blatantly directing written content that she dictated to those she supervised when it should have been solely authored by the appointed faculty member and that was outside of O'Connor's role/duties. Another, but very positive evaluation (Appendix H-3) of the Petitioner had occurred by a Senior faculty member who was Maureen O'Connor's superior at the school. These two negative evaluations were shown without the Petitioner's replies attached which caused even

more damage and were in opposition to school policy or even the obligation from their own contract with the school Union (P.S.C.). Nothing in Petitioner's behavior at the school justified such verbalizations or evaluation conclusions. However, Petitioner had been in therapy at one time for issues that ended before she started teaching there. It appears very evident to the Petitioner that Maureen O'Connor discovered this history and may have obtained very private information about Petitioner's experience, but much of which was exaggerated or plain inaccurate and despite this O'Conner was also disseminating it, to the Petitioner's detriment. It was not part of O'Connor's role at the school to obtain or disseminate such information as nothing dealt with Petitioner's teaching skills or the responsibilities the Petitioner had, and was primarily obtained to sway opinion against the Petitioner..(Schulz v State of NY 86 NY2d 225)

On 12/1/05 Justice Beeler, rendered a decision converting the order to show cause to a petition, assigning it to an Article 78 and then dismissing it (Appendic A) indicating that the Petitioner had not exhausted Administrative remedies by not going to arbitration. As shown by the Appellate decision it was not possible to be assigned an article 78 since there was no record to review. Additionally Petitioner questions whether the OSC could be converted to an Article 78 if it would then be automatically dismissed since this offset any ruling on the issues and offset an entitled

fair hearing. Hon. Beeler did also separately order, as a response to an issue that related specifically to the Court Complaint claims while not addressing the Claims, that the Petitioner would be allowed to see her personal file at the school any time she wanted with any documents she requested included. When Petitioner then tried to see the personal file all that was included was a tiny fragment of the required contents. The Respondents totally disobeyed that part of the order but had no repercussions from doing so.

On 3/9/06 Justice Harold Beeler denied reargument with some additional commentary (Appendix B) and on 6/26/06 Justice Emily Jane Goodman denied a motion for renewal, request for permission to subpoena and related issues.(Appendix C)

Petitioner submitted a notice of appeal for each of the three decisions timely dated 12/06/05, 3/24/06 and the last one combining all three decisions in a notice of appeal dated July 11. 2006. The Notice of Appeal for the 12/1/05 Decision did not appeal that part of the decision that allowed personal file access.

This combined appeal was perfected 9/21/06 and completed in time for the December term but because of a heavy Court schedule it was eventually submitted to the Appellate Court January 26, 2007. One of the many arguments was that the Court only considered the order to show cause as related to employment issues and reinstatement, which was not requested, and never

addressed any of the claims in the Court Complaint which covered issues outside the scope of emplyment. The Appellate Court rendered its decision February 20. 2007 denying the Appeal. It was entered on that date. (Appendix D)

Petitioner made a motion for reargument, clarification and alternately to reargument leave to appeal to the Court of Appeals which was denied and entered May 17, 2007 (Appendix E). Petitioner requested leave to appeal to the NY Court of Appeals from the NY Court of Appeals,. which was dismissed in part and denied in part September 4, 2007 (Appendix F) It can be argued that an alternate interpretation of that decision is that the Court of Appeals dismissed the dismissal by the Appellate Court of an appeal for two of the motions and since those motions includes reference and summary of the 12/1/05 decision it would modify the appealablity of that decision as well. However when the Petitioner called the Court of Appeals and talked to an attorney there she was told that alternate interpretation was definitely invalid.

Petitioner has returned to the lower Court in an attempt to get the claims in the Complaint addressed and is seeking disclosure, returnable 11/27/07. The Respondents claim the 12/1/05 original Court decision dismissed the Complaint but the Petitioner contends, based upon the contents of Court decisions that do not address any of the claims, it only dismissed the OSC and even though there was requested clarification from the Appellate Court on this, it was denied.

Additionally the 12/1/05 Decision did allow some discovery and some remedy for the Complaint, while not addressing the specific claims, by allowing personal file access and it would be illogical to do this if the Complaint was totally dismissed. (see Hanford v Plaza Packagng Corp 3 NY3d 340: Cirri v Daily News 9 Misc 3d 1130A) Even if, the Lower Court now addresses these Court Complaint claims and the remedy requested, the Appellate decision, that, among other things, requires arbitration or some kind of Administrative process is still in need of review.

. Appellant would have preferred to wait for this new lower Court decision before proceeding with the writ but if she did so it would be beyond the time allotted. Additionally Petitioner gathers that regardless if the outcome the part of the Appellate Court's decision that offsets any future possibility that she could get an injunction against the Respondents for dissemination of information would still stand, as well as put Appellant's disclosure request options possibly in jeopardy

REASONS FOR GRANTING THE PETITION

The question of whether a request for discovery can be denied and converted to an article 78 and then dismissed leads to a question of whether legal rights have been offset in this case. The question of whether a final judgment can be rendered without considering the claims in the

Court Complaint and only dealing with non viable issues also needs to be reviewed. Due process rights are a constitutional concern and have not been filled. Article 14 of the Constitution guarantees this and other rights that may have been violated.

The prerequisite of arbitration in this case prior to allowing any Court determination in this matter is of extreme relevance and also in need of review. Arbitration has a heightened role in an increasing number of case determinations. It progressively affects millions of people. Most individuals. that agree to arbitration, agree without knowing they are giving up due process rights and such contract clauses never warn the individual about the ramifications of agreement. A warning should be included or no layman agreeing to such clauses have sufficient knowledge regarding to what they are agreeing. The Courts are inundated with cases objecting to arbitration because of such misunderstandings which is a call for review of the process. Rather than arbitration diminishing Court burden, it adds burden. Arbitration violates due process rights and various aspects of the arbitration process are repeatedly being challenged in the Courts. In this particular case the Petitioner never agreed to arbitration, was no longer a member of the Union ("PSC") , nor did she ever know about the arbitration requirement in the PSC contract till after she entered the grievance process. She had simply been told that was the "policy" the school had for problem resolution and at no time

was she informed that arbitration would be required to complete the process. Nor was she represented in this process by the PSC at any time. Despite this she is required to arbitrate or she is assumed not to have exhausted administrative options. only because she was employed at the school that has a contract with the Union that includes arbitration. This resulted in her case not being decided by the Court. Petitioner argues that it was the school and not the Petitioner that did not exhaust administrative options, if such is required, since they refused to have the STEP II meeting yet rendered a negative decision. There should not be a double standard when applying the law- that the school can violate its own contract that it agreed to with P.S.C. but the Petitioner who was not a party to that contract, can be held to it. If individuals can be held to a contract that is between two other parties no citizen will ever again have any rights as they could be contracted away at any time by any two other parties. This would be legal chaos.

The Appellate decision indicates that even if Petitioner did not sign the PSC contract she is held to it and required to arbitrate. This contradicts every experience the Petitioner has had with contracts. If people can be held to contracts they don't sign it could lead to legal abuse. It is definitely in the public's interest to get the meaning of this at last qualified and not to let it stand as stated in the Decision..

An individual cannot be "required" to sign away legal rights that are upheld by the

Constitution. For example if someone waived their right to free speech they could not be held to it. So too waiving due process via arbitration cannot hold. If the arbitration requirement is allowed to stand, all Constitutional rights are in jeopardy.

The case Wright v Universal maritime svc corp 525 US 70 is applicable in this case and supports that arbitration provisions in contracts that offset Constitutional rights and that are "required" in order to become a member in a needed organization are not enforceable. Based upon this case there is a distinct contradiction between the Appellate Court decision and the US Supreme Court.

So too all arguments relating to arbitration are applicable to other administrative procedures when they offset legal options and due process or any other Constitutional right. Anything that violates Constitutional rights whether arbitration or some other procedure, such as required participation in any point in a grievance process, leads to the same Constitutional concerns, violates public policy and endangers Constitutional rights for all citizens.

In this case there are a number of Constitutional problems. Article 14 as well as other parts of the Constitution have been violated . Although privacy is not overtly guaranteed by the Constitution it is implied throughout the Constitution that privacy is a right for all citizens (Article 5 of the Constitution indicates individuals cannot be deprived of property and private

information is property) It has been evident that the Respondents violated the Petitioner's rights regarding privacy needs and probably disseminated very private and/or inaccurate information about the Petitioner to her detriment. (see Reinstatement (2nd) of Torts #652A-6521 on privacy) The inaccurate teaching evaluations (Appendix H-1, H-2) that were disseminated without Petitioner's reply attached are just the tip of the iceberg in terms of misinformation disseminated about the Petitioner intentionally If they were able to do this with evaluations, certainly private information, particularly if inaccuracies are added, can be very damaging to the Petitioner. Any such private information was obtained without the Petitioner's permission and was far beyond anything needed for information regarding Petitioner's teaching ability or responsibility. In no way do any of the Court's decisions address this issue and in fact the Decisions offsets the Petitioner from full discovery of this possibility. Thereby, it renders Petitioner vulnerable to further damage in the future. Should Respondents not be held to a standard of respecting the privacy needs of the Petitioner, it will put in jeopardy the privacy rights of everyone..

The teaching evaluations that mis-described the Petitioner as well as other behaviors by Respondents including the Step II decision content. support personal and professional injury which would be further aggravated by improperly obtained or inaccurate private information and

interferes with Petitioner's right to engage in her calling which is another Constitutional issue. Petitioner has the right to know what is disseminated about her and should have the right to confront and correct any inaccuracies. Even a criminal has the Constitutional right to face his accusers and answer accusations or correct misinformation and Petitioner feels she should at least have that right. Also. just as Petitioner's replies to the inaccurate evaluations clearly indicate that there was gross mischaracterization, she is convinced any other information disseminated by the Respondents is also probably grossly inaccurate and mischaracterizing and done so only for the purpose of swaying opinion about her so that professionally and personally there is damage to her (see Matter of Schultz v State of NY 86 NY2d 225). The obtaining of that information and the invasion of privacy to do so was beyond the duties and role of Maureen O'Connor (Hanford v Plaza Packaging Co 2 NY3d 348: Maines v Crenomer Valley Fire Dept 50 NY2d 535: NY Human Rights Law) as well the University. Nothing in the guidelines of the public funding the University receives allows for such privacy invasion or the dissemination of that information. If a University does not act like a University and behaves in a non role capacity Petitioner argues that rules usually applicable solely to a University can no longer be applied.

. It would be essential to find out what information is being disseminated to support this

claim, and other claims, which requires discovery. Finding out such information and having a chance to rectify inaccuracies is also a partial remedy in this case. Not allowing discovery violates the Constitution as it disallows equal protection under the law. The CPLR 2302 and CPLR 3101, 3102, 3111, 3120, 3126 guarantees discovery if needed to fully substantiate claims. It is argued that even if the school has a contract clause with the PSC offsetting this, the rules of the Court and the Law has priority over any such contract clause. Such discovery is required in current case but this was denied to the Petitioner. Even access to the personal file with requested information as spelled out by the PSC contract and the 12/1/05 Court decision was offset which supports intentional concealment of evidence by the Respondents. In fact many given legal rights in this case were denied including the right to subpoena if needed and this should be reviewed and corrected,

It can also be argued that some of the Appellate decision seems to have some illogic. They indicate, for example, that the Petitioner did not participate in Step II. First of all it was the school and not the Petitioner that refused to have that meeting but more pointedly if the Step II process was not completed they would have had to dismiss the Step II decision which they did not do. By accepting the Step II decision as viable, they must accept that Step II was completed and that the only thing left to the process was arbitration, if in fact arbitration would be required. There are other

points that could be argued were illogical in the Courts' Decisions. Although Petitioner has found from past experience that Court Decisions always have awe inspiring logical skill, Petitioner has the impression that with this case the Court was not as concerned with being totally logical. She acknowledges that in the past she has figured out the extreme logic of a decision long past the time given for a legal response, and what appeared as illogical was really very logical. And that might be true in this case.

. There was an elitism of sorts in this case by the Respondents in that they seem to feel above the law or Court order, that has no place in a democratic legal system-- but which Petitioner thinks right now might be very effective with the Courts below and that is why some of the decisions were made as they were-- in that Respondents could violate a Court order, their requests in papers (without making any motions) were supported consistently, they were repeatedly allowed extra time in submitting papers, their obfuscations were indulged, and so on., . .

Petitioner admittedly is somewhat litigiously clumsy because she is not legally trained but Petitioner feels she was effective enough that this clumsiness should not have resulted in the findings that occurred, and certainly not if justice is the main concern of the Court. Legal game playing should not have priority over Justice.

Additionally the Respondent's papers in the Lower Courts were so obfuscated it was impossible

for the Petitioner to adequately address their arguments and this was allowed by the Court.

Finally, the issue of confidentiality with therapy is also of concern. Based upon what happened with Maureen O'Connor and the school, it is most probable that some kinds of confidentiality in Petitioner's therapy experience was violated. Beyond violation of confidentiality, the information obtained was at least in part clearly inaccurate and Petitioner has no chance for correction. Nor would she have the chance to confront those that broke confidentiality because of the Respondents' protection of their identity and behavior. Nor would Petitioner be able to know what "outside reviewers"(as the Defendants indicated occurred in their papers) reviewed Petitioners records without her knowledge or consent.

None of this was ever addressed by the Court except for a suggestion that Petitioner go to the State Department of Human Rights that is mandated by Gov. Spitzer and the person they report to and who was one of the attorneys for the Respondents until he was elected – which might result in a conflict of interest . Nor is that agency necessarily applicable in this case or the Court Complaint claims, and the remedies the Petitioner is trying to obtain. Without question, it is acknowledged, an agency would probably be more effective in obtaining information via discovery, than the layman Petitioner would be, particularly with Respondents that ignore Court orders, but,

none the less, Petitioner would like to have a shot at it. The Petitioner has the right to know what information was disseminated about her and a chance to protect herself from unfair and detrimental repercussions.

Has Petitioner's rights , particularly privacy rights, been violated in any way because of a bias toward those with a therapy history? Millions of U.S. citizens have therapy experience and all rightfully expect the content of treatment will stay confidential. Confidentiality Laws support that expectancy, If the Respondents are allowed to invade that privacy and disseminate such findings it will set a precedent that will be injurious to many.

The Appellate Court decision essentially creates a closure to any attempt by Petitioner to stop any dissemination of such information, even if inaccurate.(see CPLR 4505, 4507). The Court decisions basically allows any Clinician that Petitioner was in treatment with, to violate confidentiality and allows the Respondents to protect them from exposure. Petitioner has never carte blanch waived confidentiality with any treating experience or treating professional nor has she given permission to any of the Respondents to obtain or disseminate that information

CONCLUSION

This is a very complex case with various ramifications. Arbitration requirements prior to any Court ruling seem to threaten all Constitutional rights as it indicates any Constitutional right can be signed away or jeopardized and undone in contracts between parties other than the one effected. . If, as the Respondents indicate, the Complaint was dismissed and it was so dismissed without ruling on any of the claims in the Court Complaint, than justice has not been served. It can be argued that the information presented by Petitioner with the supporting exhibits she had submitted to the Courts below substantiate that, indeed, personal and professional damage has occurred and that there has been an invasion of privacy with blatant intentional concealment of information by the Respondents to offset any attempts by the Petitioner to protect her interests or fully present her case. Court decisions only seem to facilitate additional concealment of vital information that is needed by the Petitioner to offset past and future damage.

WHEREFORE, Petitioner respectfully requests that her Writ is granted.

STATE OF NEW YORK, COUNTY OF N.Y.

Sworn to before me this 26
Day of November, 2007

STANLEY MINKOWSKI
Notary Public, State of New York
No. 01MI4961913
Qualified in New York County
Certificate Filed in New York County
Commission Expires 10/4/2010

Leslie Feher, Ph.D.

APPENDIX A

NY SUPREME COURT
Decision dated 12/1/05 Entered 12/19/05
Honorable Harold Beeler

Upon the foregoing papers, it is ordered that this motion *Vv VC);9k*

Plaintiffs action as against defendant "John Jay College of Criminal Justice" ("John Jay") is severed and dismissed as John Jay is a senior college in the City University of New York ("CUNY") system with no separate corporate existence of its own. *NY Educ Law 6205(5); 6203.* The portion of plaintiffs action that seeks money damages against the remaining defendants is severed and dismissed as this court lacks subject matter jurisdiction to hear such claims; pursuant to Education Law 6224(4) the Court of Claims has exclusive jurisdiction over actions sounding i..."1 tort or contract against CUNY or any of its senior colleges, including tort claims involving city university officials, such as defendant Maureen O'Connor herein, acting on behalf of a college in the cum system on the court of claims.

The remaining (non-monetary) relief plaintiff seeks, to vacate the step 2 grievant decision by CUNY, is only properly available through CPLR Article 78; accordingly, plaintiffs complaint is hereby converted into an Article 78 petition which is denied based on petitioner's failure to exhaust her administrative remedies. In accordance with section 20.4 of the collective bargaining agreement ("CBA") between CUNY's professional staff congress and CUNY, three levels of review in

the grievance process are provided for CUNY employees who wish to challenge employment decisions, including non-appointment:

1. A grievance is first addressed at the college level by the president or his pr her designee [referred to as a "Step I" determination),

2. If the grievant is dissatisfied by the college's detemlination, he or she may appeal to CUNY's Chancellor or his designee (referred to as a "Step II" determination];

3. If still aggrieved, the grievant may seek arbitration. Requests to appeal a "Step Two" decision to arbitration are filed with the Office of the Chancellor or Vice Chancellor for Faculty and Staff Relations within 20 days, exclusive of weekends or legal holidays, after mailing of the Step Two decision.

The Step Two decision in this matter was mailed to petitioner on September 2, 2005. It is undisputed that petitioner never made a request to appeal the "$tep Two" decision to arbitration. Thus, even though the CBA granted petitioner the option of seeking further review before an arbitrator, petitioner failed to avail herself of that process and thus failed to exhaust her available administrative remedies. There is no evidence that the Step II decision was arbitrary or capricious.

Petitioner's motion for access to her "personal file", which consists of personnel information, faculty member's accomplishments, and evaluations of the faculty's teaching performance, is denied as moot since petitioner has already accessed that file and it is undisputed that she has the right to access that file any time she wishes. Although petitioner alleges such file is "incomplete", she can request that the purportedly missing documents be added back into her petitioner's motion for access to her "administrative file", which contains documents generated as a result of the consideration of the faculty member for tenure or promotion, including assessments of the faculty member's scholarship and recommendations from outside reviewers, is denied as, under the terms of the CBA, CUNY is barred from disclosing petitioner's
administration file to her. The CBA does not allow faculty members to access their own administrative file but rather restricts such access to committees and individuals *"responsible for the review and recommendation of the employee with respect to appointment, reappointment, ;promotion or tenure"* in order to *"promote honest reviews"* and *"in the interest of academic freedom* ". Petitioner has not demonstrated any legal right to access her "administrative file".

WHEREFORE, it is

ADJUDGED that the petition is denied, the

cross-motion to dismiss granted and the proceeding dismissed.

This constitutes the decision and judgment of this court.

Dated: 12/1/2005

HAROLD BEELER J.S.C. J.S.

☒ FINAL DISPOSITION

FILED INDEX NO. MOTION DATE MOTION SEC DEC 07 2005

FILED DEC 19 2005 OFFICE

A-4

APPENDIX B

SUPREME COURT DECISION DATED 3/6/06 (P.5)
NEW YORK CITY **Entered 3/17/06**

HAROLD BEELER

J.S.C.

PRESENT: PART:_9__

Index No.: 114064/2005 Index No. 114064/05

FEHER, LESLIE

Vs

JOHN JAY COLLEGE Motion Date:_____

Sequence Number : 002 Motion Seq. No. 002

REARGUMENT/RECONSIDERATION

Motion Cal. No:____

Petitioner's motion to reargue is denied as petitioner has not shown that the court misapprehended or overlooked relevant matters of fact or law in dismissing her petition. *CPLR Rule* 2221 *(d)(2)*.

Although petitioner claims she is not bound by the terms of the Collective Bargaining Agreement ("CBA") between the Professional Staff Congress ("PSC") and The City University of New York ("CUNY") concerning arbitration or access to her administrative file because he allegedly stopped paying dues to the union in spring '05),

The remainder of petitioner's motion raises new allegations and asserts new claims that were not previously presented and are thus, inappropriate on a motion to reargue. *Id.* In addition, petitioner requests leave to amend her complaint, however, petitioner cannot use a reargument motion to amend her complaint or pursue a new theory of law, and thus, the court's consideration is limited to petitioner's original pleading.

Dated: 3/9/06

HAROLD BEELER
J.S.C.

FILED

MAR 17 2006

COUNTY CLERK'S OFFICE
NEW YORK

CPLR her petition.

B-2

APPENDIX C

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF [illegible]

Decision dated 6/26/06 Entered 7/10/06

----------X

LESLIE FEHER,

Plaintiff Index No.: 114064/05

-against-

JOHN JAY COLLEGE OF CRIMINAL JUSTICE, CITY UNIVERSITY OF NEW YORK("CUNY") And MAUREEN O'CONNOR.

Defendants.

----------X

EMILY JANE GOODMAN, J.S.C.:

The motion by pro se Plaintiff Leslie Feher (Feher) for "Renewal, Attended Complaint, For Subpoena And To Amend Title," is denied. By Decision and Judgment, dated December 1, 2005, Justice Harold Beemer dismissed that portion of Plaintiff's action that was sought money damages for lack of subject matter jurisdiction because the Court of Claims has exclusive jurisdiction over

C-1

portion of Plaintiff's action that sought money damages for lack of subject matter jurisdiction because the Court of Claims has exclusive jurisdiction over actions in tort or contract against Defendants. With respect to the remaining non-monetary claims, Justice Beeler converted the relevant portions of the Complaint to a Petition seeking Article 78 relief, and denied the Petition based on Feher's failure to exhaust administrative remedies. The Decision and Judgment was entered on December 19, 2005. Feher served a Notice of Appeal of the Decision and Judgment on December 27, 2005.

Justice Beeler further denied Feher's subsequent motion to reargue by Decision dated March 9,2006 and declined to reach new allegations and claims not previously raised. This Court treats Feher's motion as one to vacate a judgment pursuant to CPLR 5015 (2). However, Feher has not identified any new evidence which would change the prior determination. Given that judgment has already been entered, Feher's arguments that Justice Beeler erred in deciding her case, must be addressed by appeal. Moreover after a judgment has been

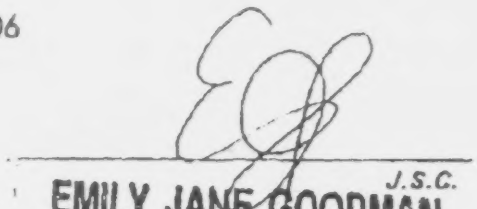
entered,. Feher cannot seek to amend-her complaint.

It is hereby

ORDERED that the motion is denied.

This constitutes the Decision and Order of the Court.

Dated: June 26, 2006



EMILY JANE GOODMAN J.S.C.

FILED

JUL 10 2006

NEW YORK
COUNTY CLERK'S OFFICE

C-3

APPENDIX D

APPELLATE COURT
Decision dated 2/20/07 Entered 2/20/07

Tom, J.P., Sweeny, Malone, Kavanagh, JJ.

279-
280-
280A Leslie Feher, Index
114064/05

Petitioner-Appellant,

-against-

John Jay College of Criminal Justice, et al.
Respondents-Respondents.

Leslie Feher, appellant pro se.
Andrew M. Cuomo, Attorney General, New York (Mariya S. Treisman of counsel), for respondents.

Judgment, Supreme Court, New York County (Harold B. Beeler, J.), entered an or about December 19, 2005, denying the petition and granting respondents' cross motion to dismiss this converted article 78 proceeding, unanimously affirmed, without costs. Appeal from order, same court and Justice, entered on or about March 17, 2006, which denied petitioner's motion for reargument and leave to amend her pleading, and from order, same court (Emily Jane Goodman, J.), entered July 10, 2006, which denied petitioner's motion for renewal" inter alia,

unanimously dismissed, without costs.

It is evident that the claims for breach of 'contract and tort against City University are not within the jurisdiction of Supreme Court, and are cognizable only before the Court of Claims (see Education Law § 6224[4]). Furthermore, there is no record upon' which to review the unarticulated claims of alleged discrimination (see Matter of Schulz v State of New York, 86 NY2d 225, 232 [1995], cert denied 516 US 944 [1995]). Such claims, if they exist, should properly be brought before the State Division of Human Rights for review under Executive Law § 298.

To the extent petitioner sought injunctive relief, her claims should have been brought in an article 78 proceeding, which could not in any event be entertained since she failed to exhaust her administrative remedies (CPLR 7801). Notwithstanding petitioner's failure to sign an agreement to arbitrate, the collective bargaining agreement governing her position provides for a three-step grievance procedure, and her failure to participate in Steps 2 and 3 precludes her from seeking relief in an article 78 proceeding (see Matter of Plummer v Klepak, 48 NY2d 486, 489 [1979], cert denied 445 US 952 [1980] i Matter of Ciccone v Jacobson, 262 AD2d 78, 79 [1999]).

D-2

Inasmuch as the proceeding was properly dismissed, the remaining appellate issues, which address the merits of the claims, are not addressed.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: FEBRUARY 20, 2007

Catherine O'Hagan Wolfe

D-3

APPENDIX E

APPELLATE COURT
Decision dated 5/17/07 Entered 5/17/07

At a Term Court held in the County of the Appellate Division of the Supreme Court held in and for the First Judicial Department in New York on May 17,2007.

Present - Hon. Peter Tom, Justice Presiding
John W. Sweeny, Jr.
Bernard J. Malone, Jr.
E. Michael Kavanagh, Justices.

----------x
Leslie Feher,
Petitioner Applicant,

M-1877
-against- Index No. 114064/05

John Jay College of Criminal Justice, et al.,
Respondents-Respondents.
----------x

Petitioner-apellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 20,2007 (Appeal Nos. 279, 280 and 280 A),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

Catherine O'Hagan Wolfe

Clerk

E-1

APPENDIX F

COURT OF APEALS
Decision dated 9/4/07 Entered 9/4/07
Present: Hon Judith E Kaye

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein, papers having been submitted thereon and due deliberation having been thereupon had, it is ORDERED, that the said motion, insofar as it seeks leave to appeal from that part of the Appellate Division order that dismissed the appeal to that court from the March 2006 and July 2006 orders of Supreme Court, be and the same hereby is dismissed upon the ground that such part of the order does not finally determine an action or proceeding within the meaning of the Constitution; and it is ORDERED, that the said motion for leave to appeal otherwise be and the same hereby is denied.

Stuart M. Cohen

Stuart M. Cohen
Clerk of the Court

E-1

APPENDIX G

Complaint

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

----------X

LESLIE FEHER X INDEX NO.:

Plaintiff 114064/2005

-against-

JOHN JAY COLLEGE OF CRIMINAL JUSTICE, CITY UNIVERSITY OF NEW YORK ('CUNY")

COMPLAINT

And MAUREEN O'CONNOR

----------X

TO THE SUPREME COURT OF THE STATE OF NEW YORK

The complaint of the Plaintiff, Leslie Feher, Ph.D. respectfully shows and alleges as follows:

1-The Plaintiff, herein Leslie Feher , Ph.D. is a resident of the state of New York, and resides at 444 east 82nd Street. new York, new York 10028.

2-The defendants herein are (1) John Jay College of Criminal Justice('John Jay") located at 899 10th Ave, NY, NY 10019 and is a College (2) City University of NY ("CUNY") located at 535 East 80 Street, NY, NY 10021 which is a University ans (3) Maureen O'Connor, Ph.D., JD, psychology Chairperson at John Jay, whose office is located at 899 10rg And, NY, NY 10019.

3- Plaintiff was hired in Hyne of 2000 to bean Afdjunct Assistant Professor at John Jay And taught there till this past June.

4- Plaintiff submitted a letter of Complaint to the school in April of 2005 which was ignored but which was followed by the school three weeks later sending a retaliatory letter od termination, that gave no cause of discharge as required by the union's (PSC) agreement. They have since refused to give any reason, Although the school is required to follow the agreement regarding obligation to faculty, faculty members are not required to be members of the Union nor are they legally bound by the agreement contents.

5-The complaint essentially indicated that Plaintiff had been verbally ridiculed, invalid implications had been made by the Chairperson

and those she influenced, there was possibly some discrimination active, and her course load reduced without justification which resulted in lowered compensation and less benefits, as well as the fact that there were many procedural breaches ofthe union ('PSC") agreement in regards to her. Further Plaintiff indicated that she had received two grossly invalid evaluations that were professionally and personally damaging.

6-In May 2005 Plaintiff submitted a formal grievance about the above to John Jay. Thereafter a supplemental grievance was presented to the school indicating it included all the information in the original grievance with the addition that Plaintiff was disallowed to look at her complete personal file in opposition to the PSC agreement.

7- The above resulted in a step one grievance meeting in June. No decision was rendered, Thereafter there was a Step two grievance meeting at CUNY but the person conducting it closed the meeting because Plaintiff was taping it, even though she had previously indicated she would be doing so with no objection. A "Decision" was rendered indicating the grievance was denied because Plaintiff refused to have the meeting even though they

were the ones that refused the meeting. They did not mention the supplemental grievance at all and no decision was made on that.

8-Plaintiff believes she has suffered personal and professional injury, possible invasion of privacy, as well as loss of income.

WHEREFORE, Plaintiff requests that the step two decision be vacated, that grievances be affirmed as valid, that income and benefit loss in the amount of $25001.00 be paid and that she have access to any and all information the school or Dr O'Connor has in regards to her as well as the school being required to finally indicate reasons for termination, In addition, costs, disbursements, and any other relief this court finds to be just and proper.

Date: 10/05/05

Leslie Feher, Ph.D.
444 East 82 Street
New York, NY 10028

APPENDIX H-1

EVALUATION WITH RESPONSE

RESPONSE TO TEACHING OBSERVATION
AND POST-OBSERVATION MEMO

Instructor: Leslie Feher, Ph.D. Rank: Assistant Professor
Observer: Michele Galietta, Ph.D. Rank: Assistant Professor

Observation Date: 5/10/03
School: John Jay College of Criminal Justice
Department: Psychology

Overview:

I have been teaching at John Jay for three years but I have taught elsewhere for many more years and have never gotten an unsatisfactory evaluation before. The second semester at John Jay College, Dr. Maureen O'Connor, now Chair of Psychology, observed one of my classes where I talked extensively about abnormal psychology. After that I started teaching Abnormal Psychology at John Jay and courses were increased from 2 to 3 per semester. Although I never saw that evaluation it must have been positive for this to have happened. I was never told any criticisms or problems with my teaching. My doctorate degree is in Clinical Psychology and I know the subject of Abnormal Psychology quite well.

4-1-1

This particular class of Abnormal Psychology was an especially positive teaching experience for me. The students were extremely enthusiastic, involved with the material, responsive in group activities, and my rapport with most of the students was exceptionally good. I am sure if the student evaluations are considered it will show an overall quite positive response to me and the class. At the end of the last class, the day of the observation, I asked the class how many had their consciousness raised about mental disorders and now feel they have increased knowledge and understanding. AD, but two, of the 36 students raised their hands. I therefore feel the class was a success.

The day of the observation was the last class of the semester and therefore I was trying to cover any material not previously covered as well as facilitating some sense of closure. One of the things I specifically stated in the first half was that I was giving a quick overview of each personality disorder and then would go into specific details in the second half of the class. It is my experience and, from talking to other professors, rather a common one, that the last class has a low attendance because students are busy getting in last minute papers and preparing for finals. This class was almost totally full which reflects that there was much interest by the students in the material. Prof Galietta only sat in on the first half of the class.

Thereafter I met with Pro£ Gulietta where we discussed what she planned to include in the evaluation and I will make frequent reference throughout this response to the events of that meeting. I will be addressing every sentence in the evaluation and the post-observation memo.

Evaluation

1 "I had the opportunity to observe Dr. Leslie Feher's class Abnormal

Psychology, on 5/10/03"

Prof. Galietta only observed 1/2 a class.

2 "The class began with a brief quiz on material from the previous lecture:

following the quiz, Dr. Feher went over the correct answers with the class."

The quiz covered material from the last 3 weeks of classes. I give 4 quizzes during the semester (in addition to a midterm and final) and drop the lowest quiz grade in grading. I also go over the answers with the students as a way of reinforcing material learned and to facilitate discussion of anything not understood.

3 "She then began lecturing on the topic of the day, personality disorders."

Much on personality disorders had been covered in previous lectures (ie the lectures on personality theory/therapy such as behaviorism and cognitive psychology) and I was here trying to bring the concepts together.

4 'The first part of the evaluation has to do with the substance of the lecture.
while the second portion deals with teaching style and manner of presentation"

Both aspects of the evaluation I feel are, for the most part, inaccurate and does not reflect the actual level of teaching.

5 "Prof. Feher provided some accurate information about personality disorders
to her students"

All the information about personality disorders provided was accurate. Also totally accurate was the information about other aspects of mental disorders that was discussed during the quiz period in response to questions from students.

6 'There was however a substantial amount if inaccurate or dated information presented."

Again, all information provided on personality disorders was accurate and none were "dated': I believe the observer is here referring to the three times I referred to psychoanalytic concepts which was a small fragment of the time she was there. I am considerably older than the observer and perhaps an age bias crept into her expectation and perception as she viewed the lecture. In the meeting with her, she seemed to think that no psychoanalytic theory should be presented to students in this course. In fact she indicated in the meeting that no theory at all should be presented, because it is not scientifically based Throughout the semester I present a range of research and theory that reflects what all textbooks on the subject include. 'When it comes to personality disorders, as opposed to the physiologically based disorders, such as schizophrenia and manic depression, I do discuss some psychoanalytically oriented concept as there is a scarcity of physiologically based findings. I did include some physiology in this class and the observer noted this in the meeting but failed to include this in the evaluation. I also include, where relevant, behavior, cognitive and other approaches in addition to empirical results. If the observer had sat in on the whole class, she would have realized this. Theory is essential

to scientific development and a valuable tool to facilitate thinking in students. I cannot see how any class is totally viable if all theory is excluded as the observer seems to think.

7 "For instance, the professor referred throughout the lecture to "disassociate" disorder. instead of dissociative disorder, and "schizotypical" rather than schizotypical disorder. "

This is a matter of pronunciation and not information. Each was probably said only once or twice and was not throughout the whole lecture. I presented three cluster of 10 personality disorders and only about five minutes was spent on any disorder while she was there. As far as the word dissociative is concerned, I have lived in many areas of the US and have an accent that is reflective of this mix. Sticking in an extra 'a ': which I was totally unaware of till Prof Galietta pointed it out, is probably a left over from some regional accent and I will watch for this in the future. As far as saying schizotypical instead of schizotypal, well I have no excuse. I have always said schizotypal before and can only assume my nervousness at being observed led to this isolated mispronunciation.

H-1-6

8 "Incorrect information was presented about Attention-Deficit Hyperactivity Disorder: her explanation for the use of stimulants mischaracterized the biological mechanism of action of the treatment."

I had spent a good part of another lecture on this point and what I said was a response to a student regarding a quiz question. She asked "My do stimulants calm down ADHD children?" I summarized my answer as I had been over this material completely in a past lecture. My response reflected exactly what the text, other texts, and many other lectures I had recently attended indicated, regarding new findings in ADHD. Although the exact biological mechanism of action of this treatment and why it works is unknown (which the observer does not seem to realize) the pervasive conclusion, based upon neurological findings (such as cat scan before and after treatment) is that children with ADHD have a lower level of internal neural activity- such as in the frontal lobes and attention areas of the brain and stimulants tend to increase internal activity, thereby reducing the need in the child for creating external activity. An extremely interesting finding and definitely not "dated': A finding the observer never heard of and

thereby assumed it must be inaccurate. Although I could not find the reading on the full discussion of how this works, I am attaching a copy of material from two different textbooks that in part discusses this (relevant parts of attached material are shown with an arrow) and clearly justifies my quick response to a quiz question. At the meeting, Prof. Galietta, had such a strong reaction to the idea that ADHD children had less neurological arousal, I got the strong impression that she was very personally offended by this finding.

9 "Prof Feher failed to distinguish antisocial personality disorder from psychopathy."

I looked through about a dozen abnormal psychology textbooks on the antisocial personality and the DSM IV. They all say the same thing. That psychopathy is another term for anti-social personality. I have attached copies from one of these texts and the DSM IV that says this. In the meeting, the observer indicated that the DSM IV makes extensive differentiation between the anti-social personality and the psychopath and that there was, in the DSM, a separate section devoted exclusively to psychopathy.. I knew it did not but she insisted and went on and on about if I do not know what the DSM says that I have no business teaching Abnormal Psychology.

A-1-8

The DSM only uses the word psychopath once (attached) and that is only in reference for it being synonymous with antisocial personality. If the school has an alternate concept they want expressed to students, I would be more than happy to include it. But the statement in the meeting that indicated I am not competent to teach abnormal psychology because I said psychopathy was synonymous to antisocial personality, when every abnormal psychology textbook and the DSM Iv says just that, is simply a gross misstatement.

10 'These concepts were blurred and presented inaccurately"

Again I do not think if the DSM IV and all psychology textbooks say the same thing, that it could be considered a teaching flaw.

11 'This is a particularly important distinction for John Jay students, as this is a criminal justice school."

Again, if the school wants me to add an alternate concept that reflects the school's theoretical orientation, I will be more than happy to do just that.

H-1-9

12 "Prof. Feher incorrectly stated that narcissists do not become violent when research has pointed to personality disorders (including narcissistic PD) as predictors of violence and recidivism in domestic violence and stalking cases."

This was never mentioned at the meeting. The observer must have misunderstood. First of all when discussing the cluster of dramatic emotional personality disorders (which includes narcissists) and giving an overview of general symptoms for that category, I did mention self damaging acts and hostile acting-out behavior. As indicated previously I just was summarizing symptoms of personality disorders in the first half of the class. There was no presentation of violence in relation to any of the subcategories like narcissists, except for borderline and anti-social where it is so prominent.. However, I will state here, violence is not a prominent symptom with narcissists. Although narcissism plays a big role in such crimes as stalking behavior and domestic battering, most narcissists (who have the primary diagnosis of narcissistic personality disorder) rarely commit violent crimes. Full blown Narcissistic Personalities that commit

H-1-10

such crimes are more the exception than the rule. Most Narcissists that commit violent crimes have Narcissistic Personality disorder only as a secondary diagnosis. I think the research will support this. I would be very concemed about students getting the false impression that violent crime is a substantial possibility with a narcissistic diagnosis, as the observer seems to think it is.

13 "She failed to note suicidality and frequent hospitalizations in association with borderline personality disorder (but did state that individuals with antisocial PD,. were likely to commit suicide). "

In a previous class that focused on suicide I went extensively into suicide and personality disorders (including borderlines). I had also mentioned in a previous lecture that borderlines many times are hospitalized when I discussed Kemberg and personality theory. . I did mention that borderlines frequently have psychotic episodes. Prof Galietta apparently expected me to state every possible aspect of every personality disorder in half a class.

H-1-11

This is an unrealistic expectation. As it happens also~ a student in the class~ had previously sent me an email threatening to kill himself and EMS was called

The school is fully aware of this. I therefore felt it best to avoid the subject of suicide for fear that it might trigger a reaction in that student, particularly since it had been fully covered in a previous class. So I doubt I said anything about anti-social personalities and suicide. But if I did say if I did anything I would not have used the word "tend": I would have stated that anti-social personalities have an increased risk for attempting suicide (see attached material where it indicates this). Suicide only occurs with a fraction of any disorder. Even with depression and bipolar disorder, which has the highest rates~ the rate of suicide is only 20 per cent- a high rate but clearly not the majority of patients. Again the incorrect claim that I would make the absurd general statement that anti-social personalities "tend" to commit suicide was never mentioned by the observer in the meeting and I think the observer may have misunderstood what I said, if I said anything about this at all. The fact that Prof Galietta is unaware of a connection between suicide and

H-1-12

14 "She indicated that "cutting" in borderlines served as a punishment, while failing to cite other motivations and functions of the behavior that have been shown to be related to this symptom of BPD."

Again~ the observer only stayed for 1/2 a class. I had discussed this more fully at other points in the course (ie when discussing schizophrenia and differentiating schizophrenic symptoms from personality disorders such as the borderline). I also mentioned such things as possible low serotonin and that family members tend to have mood disorders~ which she doesn't mention. The concept of cutting as self punishment is in the text and I have attached a copy of that. Although it is a psychoanalytic conclusion it is from the object relations school which is relatively new and much of their work has been empirically investigated.

15 "The etiology presented in the lecture was focused on psychoanalytic conceptualizations not supported by research."

As previously stated I did discuss physiology and other research at various points, that the observer noted when I met with her, but which she has

The actual amount of time I spent on talking about etiology in relation to any of the personality disorders was a very small fragment of the class. Again, in speaking to Prof Galietta at the meeting, my impression is that she is very anti-analytic, and has an abhorrence for any theory, psychoanalytic theory, in particular. There is much in psychoanalytic concept that is interesting to students and worthwhile, particularly if there is no other scientific material available. I think that when someone excludes a whole body of study so completely, it is closing the door on knowledge. The implication that I did not expose the students to other more modem approaches, is simply untrue. Many classes were spent on behaviorism, cognitive therapy and other modem approaches during which mental disorders (ie personality disorders) were discussed. Most of the material I discuss in the class is not psychoanalytically based but rather based upon solid research such as genetic and neurological findings. However there is much value in some supplement of other material to keep the course from becoming boring and to facilitate more involvement by students in the subject.

16 'This perspective should be presented

H-1-14

I did. For example when I discussed the odd-eccentric grouping of
personality disorders that are closely related to schizophrenia,. I discussed (while she was there) findings such are enlarged brain ventricles, genetic history findings, etc. I am very surprised she eliminated this from her report when it was clearly mentioned at the meeting by her.

17 It would have been preferable to focus on phenomenological distinctions between personality disorders, rather than etiology (which is largely unknown)."

There was no focus on etiology. It was briefly mentioned a few times and usually in response to student questions. Throughout the course I have compared and differentiated between different symptom constellations. I know that day I very specifically did that between the three clusters of personality disorders and in some cases, between sub-categories such as the difference between histrionic and narcissistic personality disorders, that I know from past experience, some students confuse. But I did not do this with every sub-category. As stated earlier I was trying to give a quick overview of symptomology in the first half of the class. It was very evident at the meeting, and to some extent in this evaluation. that Prof Galietta

abhors anything that is not completely measurable or observable. Any course on abnormal psychology that includes only such references would be a very limited course. For example, there is abundant evidence to show that factors unavailable to consciousness motivate behavior and contribute to symptomology. I also cannot imagine how any clinician, that is concerned with the humanity of the individual, could have only this approach. Certainly, in an abnormal psychology course, where students sometimes have strong personal reactions, there needs to be some sensitivity and some discussion of less objective aspects of the individual to achieve any degree of understanding.

18 "Ltsuggestion would be to present from the DSM IV using specific criteria"

The listing of symptoms on the blackboard, for each personality disorder presented by me (before I got into discussion of such things as physiological findings), was right out of the DSM IV. Even if I did not have the DSM IV right in front of me, I was definitely using the DSM IV and its criteria. I am very surprised Prof Galietta was so unaware of this. Anyone totally familiar with the DSM IV

4-1-16

would have realized this. I know much of the DSM quite well but just in case I review pertinent sections before any class that discusses symptoms. The DSM has been a very solid part of the course.

19 "This would insure that students grasped the basic information. before
moving on to theoretical information that is arguably debatable. "

The DSM divides personality disorders into three categories: Odd-eccentric, Dramatic-emotional, and cluster Cis Anxious-Dependant, The lecture reflected this. First I wrote Odd-eccentric on the blackboard and listed and discussed the general symptoms. After that I listed each subcategory like paranoid and listed and discussed those symptoms before then going into other research and findings. Then I went to cluster two (dramatic emotional) and each of its subcategories, and so on. I was totally following the DSM. Anyone familiar at all with the DSM would have realized this even if the book was not right in front of me. I am very surprised at Prof. Galietta's comment which so mischaracterizes the content of the class.

20 "The other criticisms of this lecture have to do with the style and manner of presentation."

If Prof. Galietta was so preoccupied she failed to be fully cognizant of extensive listing of symptoms on the blackboard straight out of the DSM, I wonder how accurate something as subjective as reactions to manner and style can be.

4-1-17

would have realized this. I know much of the DSM quite well but just in case I review pertinent sections before any class that discusses symptoms. The DSM has been a very solid part of the course.

21 "DR Feher used the blackboard for the lecture, however, she did not use
lecture notes."

In other evaluations from other schools it has been frequently noted what excellent use I make with the blackboard. At John Jay many students have made comments to me about how they really like the way I use the blackboard. In the context of this evaluation my using the blackboard seems to be a negative although it is not qualified just how it is negative. And yes I do not use notes. Everything is from memory. I have worked very hard, and continue to do so, not to use notes. I know the material quite well before I go into a class and am totally prepared for each class. For the life of me I cannot see how this is a negative. At the meeting she also stated, in a loud accusatory tone, as if it were something unacceptable "You didn't use any notes!" I could not see then and I cannot see now why this is problematic. If the school wants me to read from notes from now on, I will be glad to do so. It will greatly cut down on the amount of time I spend in preparing for each class. It will also cut down on the amount of interest students will have in the subject!!! There is nothing more boring than hearing someone read from notes.

22- "The noise level in the class was extremely loud with lots of side chatter"

4-1-18

would have realized this. I know much of the DSM quite well but just in case I review pertinent sections before any class that discusses symptoms. The DSM has been a very solid part of the course.

Frequently there is much reaction to symptoms when I list and discuss them. It is part of the learning process with this particular subject. I did not experience loud talking but perhaps a few comments were exchanged in response to interest and surprise at some of the symptoms mentioned. This has to do with the level of involvement the students have in the subject matter. I do not see it as a problem. In absolutely no way was the class disruptive. This was a Saturday class and many of the students work and are older. I have found them to be quite respectful and more appreciative of learning material than the younger students.

22 "In general the professor spoke very softly, in a monotone style, making it very difficult to follow the lecture"

I do not think I spoke softly or in a monotone but I will be careful to watch for this in the future. There was a problem that day that relates but I do not think it interfered with the clarity of the lecture. I had cracked a tooth. The top part of the tooth was missing and near the front of my mouth. The tooth cannot be saved and I will have to get an implant. It will take a year. In the meantime I have to wear a small apparatus called a flipper. It gready interferes with speech and I have had to practice talking out loud to offset this. Although I have succeeded in eliminating most of the speech problem it still shows up a bit with T's and S's That day I had just gotten the flipper and could not clearly talk with it at all.

4-1-19

would have realized this. I know much of the DSM quite well but just in case I review pertinent sections before any class that discusses symptoms. The DSM has been a very solid part of the course.

So I decided to go without it. I was self-conscious the students or even the observer might see the missing tooth and tried to talk without opening my mouth very wide when facing the class. In spite of this I think I was clear and loud enough but it is possible that I was talking lower than usual. I explained this to Prof Galietta at the meeting. I am very surprised she did not fully adjust the report in consideration of this fact. As far as her not being able to follow the class, well that might explain why she misunderstood some of the things I said. Apparently it was not just verbalization that she did not follow, apparently it was also the material I wrote on the blackboard. I wrote just about everything I said on the blackboard in a very organized manner. I find that when the students experience material in two ways (verbally and in writing) they retain and understand much more. Some students at John Jay have problems taking accurate notes and this aids them in developing that important skill. I do not think the students had any problem following it and I think their class notes would reflect what I said or did not say.

23 "The lecture was presented in an entirely didactic manner, with little or no student interaction."

4-1-10

If there was no student interaction where did all those questions come from? In any case, the second half of the class there was 20 minutes spent in a group activity. But the observer had left by then.

24 "Several students left during the course of the lecture and failed to return. "

First of all if she was not there the whole time how would she know whether they returned or not. Secondly at the meeting she said two Please see point#7 where this is discussed. Only one word was mispronounced- the other was probably a left over from some regional accent. This is one not a "few" mispronunciations.

30 "She stated that psychopathy and anti-social personality disorder were indeed the same thing"

I, vel)"' specifically, pointed out that in the text and the DSM it states they are synonymous. I did not oppose altering this in future classes with additional information. In fact I am vel)"' interested in reading about this concept if references are provided.

H-1-21

31 "When questioned about several other inaccuracies. Dr Feher stated that we must have "read different articles"

I only recall saying this once. This refers to the discussion on ADHD. I was giving her the benent of the doubt and trying to avoid arguing about it particularly since Prof Galietta was clearly vel)'" emotionally invested in an alternate view.

32 "She did not appear to be open to updating her lectures or to changing the style and manner in which the material was presented"

I am very open to updating lectures. I always use the newest text and supplement knowledge by attending lectures and other readings. Again, I will be more than willing to read up on this concept of psychopathy when references are supplied As far as style of teaching is concerned, I will watch closely for any possible monotone but overall I think here the students are the experts on what style they like and I think the student evaluations will give me more viable information than this evaluation. So far the feedback I have gotten from students regarding my style in Abnormal Psychology classes has been quite positive. I cannot think of what I said at that meeting that could have given her the idea I was opposed to

change, growth and improvement. I do not think I said anything that would lead to that change, growth and improvement. I do not think I said anything that would lead to that conclusion. I do not consider objecting to her inaccurate evaluation, a resistance to change or improvement. If the school wants me to eliminate all references to psychoanalytic concept or any theal)"' at all from the course, as Prof Galietta would like me to do. I will, but I think that will greatly diminish the value of the course for students

33 "Dr Feher stated that she believed that the evaluation was "too picky"

I did say that in relation to her repeated extreme criticism that I had a couple of typos in the quiz and that I referred to Attention Deficit Hyperactivity Disorder in the quiz as ADDHD instead of ADHD. Originally ADHD was two syndromes- ADD and HD. There are many children who fit one and not both of the diagnostic categories but most have both if they have one. So it became ADDHD. Later it was shortened by some to ADHD. I explain this to the students when I discuss the syndrome. I like keeping in the additional D so that it is ADDHD as a reminder to

I explain this to the students when I discuss the syndrome. I like keeping in the additional D so that it is ADDHD as a reminder to students that it is really two syndromes and I think. this is optional. At the meeting Prof
Galietta strongly objected to this and said it should be ADHD because that is what is in the DSM
Certainly if the school does not want me to refer to the syndrome as ADDHD but only ADHD I will adjust this. I do not think it is symptomatic of poor teaching the way the Observer strongly indicated it was at the meeting. However, apparently she agreed with me that these two things were picky because she left them out of her evaluation.

34 I~t an impasse I agreed to discuss the information with the department chair with regard to department standards for the content of the course"

Talking to Dr O'Connor was her idea- she said she wanted her opinion on whether any of her comments were picky. Mat impasse? The evaluation is a horror. I disagreed with it and much of what she was saying because it was inaccurate. I told her, I saw things veo/ differently but that she should include what she felt was accurate and I would respond to it.

11-1-24

35 11 discussed this with Dr Maureen O'Connor on 5/20/03"

If she discussed this with Dr. O'Connor 5/20/03 I do not understand why I only received it, after many requests, on 8/11/03?

36 "Dr O'Connor confirmed that our students should receive accurate information in their foundational courses and that any inaccuracies should be corrected"

I would imagine so. But the students receive completely accurate information from me and the only real mispronunciation was my saying schizotypical instead of schizotypal and that was probably only from anxiety at being observed and had never happened before. The information I gave is totally accurate. I do not consider saying anti-social personality is synonymous with psychopathy an inaccuracy if it is so mainstream that textbooks and the DSM indicate it. Again, I will be glad to alter this in
future classes if a reference reading list is supplied
As far as the other criticisms are concemed, they are simply not accurate and in part stem out of Prof Galiettas apparent lack of knowledge about the material- such as her obvious lacK of knowledge about the contents of the DSM. I

H-1-29

believe she had been teaching less than a year at John Jay when this observation took place. Based upon her lack of knowledge of the DSM and other responses I also
have a difficult time believing she has much of an expertise in abnormal or clinical psychology. It can be noted there is absolutely nothing positive about me contained in her evaluation. Considering the number of years I have been teaching, the positive feedback I consistently get from students in the Abnormal Psychology classes and specifically the number of years I have been teaching at John Jay, that would seem very unlikely as an accurate reflection of what I do. I am. far from a perfect professor and do make an occasional mistake but to indicate that my teaching is below average is
simply not true. I really have to question whether there are factors that I am. unaware of that might have influenced such an inaccurate and negative evaluation

Leslie Feher

Date

4-1-25

APPENDIX H-2

RESPONSE to EVALUATION

Candidate: Leslie Feher, Ph.D.
Observer: Nancy Ryba, Ph.D.
Course: Intro to Psychology, Psych101
Department: Psychology
Date of Observation: 9/23/04
Date of receipt: 11/30/04
Subject covered: Neuroanatomy

Some of the References used for presentation:
Text: Psychology and Introduction by Kagen and Segal
The Brain: The last Frontier by Richard Restak
Brain and Behavior by Plotnik and Mollenauer
Foundations of Physiological Psychology by R Thompson
Synaptic Self by Joseph LaDoux
A User's Guide to the Brain by John Ratney
Broca's Brain by Carl Sagan
"Double-Mind Theory" by Leslie Feher
Ongoing monthly articles from The Dana Foundation: "Brain in the News"
and *"Brain Work: The Neuroscience Newsletter"*

Goal of presentation: to make Neuroanatomy simple enough that students would not be intimidated, might even find it interesting, and absorb the

material sufficiently so that it forms a base that can be expanded upon further.. It should be noted that the students already had a class on neurons and neurotransmitters as well as the endocrine system and in the following class I finished the section with the divisions of the nervous system.

Comments in the evaluation will be put in italics and quotes

1- 1st paragraph stated "*The class I observed was a lecture on Neuroanatomy. For the majority of the class period , Dr Feher lectured about the structures of the brain and various aspects of functioning. She appeared very comfortable in front of the classroom and spoke from memory without the use of visual aids or notes to guide her, suggesting she was familiar with the information presented.*"
I greatly appreciate the comment with a bit of qualification. Throughout the presentation students freely asked questions and made comments. Therefore the students strongly participated in the process. It was not a straight lecture, as implied in the evaluation, but rather much more of a presentation with student participation. Also, although the word "suggesting" is rather innocuous in this beginning paragraph, based upon the later content of the evaluation, it implies that possibly I was not sufficiently familiar with the material but only appeared to be. The fact is I had given this presentation numerous times before and was totally familiar with the material.

2- "The lecture began with an overview of the two hemispheres of the brain and the functions associated with each side." The presentation also included information about the corpus collosum and Sperry's split brain research. Here I also added some new findings that women have a bigger corpus collosum than men which results in perceptual and experiental differences because of increased transfer of information between the hemispheres in women (women listen to a conversation with both sides of the brain while men primarily listen with the left hemisphere). This class is particularly interested in the gender differences in physiology so I made frequent references to this kind of research finding to keep their interest. I also suggested to students that they subscribe to Brain in the News which is a free newsletter on breakthrough neural research and handed around a copy. Most, although definitely not all, of the most recent research findings I included in the presentation were from this and Brain Work, two very competent "up to date" publications.

3- The information was presented in a fairly organized manner; however the students were clearly having difficulties following along and keeping pace with the lecture."

It was "fairly" organized? I do not know how it could have been more organized. The implication is that the students were having a problem because of the manner of presentation. The fact is this is very difficult material for any student regardless of presentation and for some reason, these students had a bit more of a problem than my previous

classes in absorbing it so that I did need to review it half way through the class. However by the end of the class (and this is really what matters) these students, who would usually totally reject the subject, did have a basic grasp of the material. So I do not think a temporary confusion was all that much of an issue, nor reflective of the presentation. Certainly the results of the midterm indicated most of these students, who would have stayed away from this subject before, could now have an intelligent conversation with a brain surgeon and have added a new component to their cognitive repertoire- something that I think is quite wonderful.

4-" *While I thought the information presented on the two hemispheres of the brain was useful, some broad generalizations about lateralization were made that I think were highly misleading."*

My goal was to present all information on Neuroanatomy in one class, in as digestible, and relevant a way as possible. To do this I focused on the parts of the brain that were in their text, that would re-appear in other parts of the course, that I thought would be of greater interest, and on as much simplification as possible. From what I hear most psychology professors do not even cover Neuroanatomy at all because it is too intimidating. I have noted, when teaching more advanced courses at John Jay like Abnormal Psychology, with students who have had the Introduction course already, they do not know anything whatever about this very important subject of Neuroanatomy and it was never included in their Introductory or any other course. I

will also add I definitely disagree that I made any generalization about lateralization that was in any way misleading, as will be discussed.

5-"*For example, stating the left hemisphere is for "happy thoughts" and the right hemisphere is for "sad thoughts" is too broad a generalization and far too simplified."*

Although it is not at all evident from the evaluation, I did discuss a large variety of functions for each of the two hemispheres and did not just discuss affect focus as is implied. For example for the left hemisphere I included such things as mathematical functioning, language ability and reasoning while the right side deals with such things as non-verbal experiences, understanding body language, music, spatial relations and so on. Additionally I went into the cross over process- that is if you are right-handed the left side is more dominant with a speech center located on that side while if left-handed the right side is more dominant with the speech center located there, except with some left handed individuals they may have a speech center on both sides. In regards to what is referred to in the evaluation, findings in Brain in the News, Brain Work and some other empirical references indicate that women may suffer more from depression because they are more "right-brained" than men (assuming they are left handed of course) and negative memories are stored on that side while positive associations are stored more on the left side. This is what I indicated and it is an interesting attention getting research finding particularly for

this class who has so much interest in gender differences. I think catering to the interests of the class to increase learning potential is a positive. And rather than being simplistic I think this finding has quite profound implications. The fact that I, at some point, used the terms "happy" and "sad" (terms many writers now use discussing the hemispheres) does not detract from that but rather reaches students more.

6-"*Additionally, concluding that because women tend to be more"right-brained"then man is what leads women to remember all the negative points of an argument with a man was a bit of a stretch to use as an example."*

It is a research finding that women recall negative events more and men recall positive events more and this is reflected in their communication patterns and conflicted perceptions. What I specifically said, and it is reflected in the research, was "when a man and a woman fight, the woman will remember every crummy thing he ever did and men will not understand why because all they remember is all the great things they do." It was a funny. It usually cracks up the class but that day, for some reason, there were just some quiet smiles and a very few rare snickers. Maybe it was my mood and the way I said it, or maybe it was because there was an Observer there. I do not know. But certainly there is nothing wrong in injecting a little levity.

7-"*Finally, I would refrain from presenting information on the "Schizophrenogenic Mother" or if so, put this information in context. It is an outdated*

theory and one that is no longer supported as a cause for Schizophrenia. In the way this information was presented, I fear students would mistakenly draw the conclusion that this is what psychologists currently believe causes schizophrenia, which is not at all the case."

My reference to Bateson's theory was totally in context. I essentially summarized some of the material that I had published in an article about 30 years ago (this does mean it is "outdated " ☺) about Sperry's work and the transfer process of information between the hemispheres which included, for exemplification, reference to Bateson's theory of schizophrenia. Perhaps I was too narcissistic here in including material from one of my own publications but I think it really helped explain lateralization. I have attached a copy of that article. It was, in a way one of my biggest professional blunders. It had been accepted by a number of publications including the American Psychologist and The American Journal of Psychoanalysis. However, the American Psychologist insisted I put it in APA style, so of course, of course, I went with the American Journal of Psychoanalysis which I was more familiar with and which was willing to publish it as is. Big Big blunder!!!! Anyway, although perhaps some of the material could be called "outdated" by some now, there was no harm in including this reference that aided in explaining lateralization since it was applicable, but if the school would rather I drop this I will. In any case, if you read my article, you will

see it was totally and completely in context with a presentation on hemispheres, although from the way the evaluation reads, it would not seem so at all. Additionally, I fully discussed the current possible physiological, neurological, genetic, environmental, etc. causes of schizophrenia with the class when we covered the abnormal psychology section of the course so I think it is highly doubtful that the students have any misconceptions. And as an aside, with some professionals, Bateson's theory is still believed to be a valuable consideration.

8-"*After a discussion of the hemispheres, the lecture moved to a discussion of structures of the brain. Dr Feher discussed many of the structures within each the lower, mid, and higher brain, however, I'm not certain why some major structures within the brain were left out.*"

Before discussing the structures in the brain, I discussed the differences between the three parts of lower, mid and higher brain. Higher brain functioning dealing with with such things as cognition, the mid brain dealing with emotions and which contains the limbic system, and the lower brain (hindbrain) that deals with such things as autonomic behavior and motor activity. When I did get to the structures in each section, I included all the structures in the student's text and that which would be relevant in the following classes in the course. If I had gone into all structures in the brain, the students would have been overwhelmed, confused, and would not have retained anything. As it was they thought it was a lot to memorize. I

discussed the difference between the cerebral cortex and the cerebrum, the frontal lobes, the motor cortex, the sensory cortex, the temporal lobe, and the visual cortex and the functioning of each as well as some "updated" research that was not in their book. Then I discussed the hypothalamus, thalamus, pituitary gland, amygdala, and hippocampus and their functions including some interesting research such as how prolonged depression actually shrinks the hippocampus and therefore why forgetfulness accompanies depression. And then I discussed the reticular activating system, medulla oblongata, pons, and cerebellum and how they interact with higher structures as well as function. Some of the interesting new research I mentioned had to do with findings that the cerebellum is concerned with memory and learning and even plays a part in depression in addition to previously known functions such as coordination. And even more unexpected are the very recent findings that the reticular activating system, in addition to such things as alertness and wakefulness, also has something to do with the development of depression. Certainly I included a sufficient amount of the major structures and their functions for one class! And even so during the remainder of the course, when relevant, I added to this other structures such as the septal region. I really do not see what possible major structures I should have added nor did the evaluation indicate which structures I supposedly left out.

9-"*The amygdala and hippocampus were mentioned, but were not explained to be part of the limbic*

H-2-9

system"

The implication is that the mentioned structures in the evaluation are the only structures included in the presentation which would be quite inaccurate as indicated by my above answer that lists the structures discussed. I also definitely did mention the limbic system (see pt 8) and what the limbic system does and the structures it contains in the mid brain when I was talking about the three divisions of the brain. And I even drew this on the blackboard and labeled it and one of the labels I put in the middle of the brain was "limbic system" to show what structures it included and where it was located in the brain.

10-*"and the frontal and temporal lobes were mentioned when talking about the cortex, but there was no mention of the parietal and occipital lobes or that the cerebral cortex is commonly conceptualized as being divided into these four lobes"*

From this statement it is evident that the person writing the evaluation knows very little about neurophysiology and should not be doing the evaluation- at least not evaluating the content part of the presentation. No wonder it took over two months to hone the evaluation and submit it instead of the usual two weeks. The visual cortex is essentially the same as the occipital lobe and the parietal lobe contains the sensory cortex. All of which structures I mentioned in class (see my answer above) along with function of each and the evaluation not only totally omits this, but in fact indicates the reverse. I fully discussed these

sections without specifically using the terms parietal and occipital. I also discussed the motor cortex which is in the parietal lobe in some books and the frontal lobe in other books. Anyone who was sufficiently familiar with the subject would have been aware of this. The fact is, the mapping divisions the observer refers to, are not always presented. The student's text does not include any mention, whatsoever, of the terms parietal lobe or occipital lobe. If the school prefers I can add the quadrant area terms, parietal and occipital, to the presentation but I think it will really confuse the students and is not necessary for such a basic introduction to the subject. As it happens, later in the semester, I do show a film on perception that refers to the quadrant divisions and at that point it is easily integrated into this learning without any confusion. As the evaluation pointed out a few times the students found the information I did give somewhat overwhelming in the first half of the class. The goal is to present material in an undergraduate introduction single psychology class (not a graduate neurophysiology full course) in the best way to facilitate interest, retention, and understanding in a group of students who are not particularly interested in neuroanatomy. I think I did that and more importantly, in opposition to what the evaluation indicates, I covered all relevant parts of the brain and covered them with accuracy.

11-"*I thought she showed remarkable patience with her students, who were very confused midway through the discussion on brain structures, when*

H-2-11

she completely reviewed the information a second time in order to increase their familiarization with terms and functions. I would, again, be careful when presenting information on function of various structures in the brain and would avoid making broad generalizations."

I appreciate mention that I was patient with students. But the way the sentence is structured it sounds like the students needed more than one review which did not happen. There was some confusion by the students in the first half of the class with the material, which is to be expected with this particular subject. The students asking for clarification and some repetition of presentation is welcomed and certainly preferable to having students who are silent about their level of understanding and don't learn anything. The fact that the students felt comfortable enough with me and enthusiastic enough about the material, to ask so many questions and attempt greater understanding is a positive. I do attempt to be and think I do succeed in being very careful when presenting information on brain structure functioning but some general statements regarding function are unavoidable when covering such a large quantity of material in one class.

12-"*For example stating that the act of rape is due to a faulty or dysfunctional hypothalamus is a conclusion that simply cannot be made. It is a generalization of the function of the hypothalamus, and a simplification of many factors that may lead one to commit the act of rape. I fear the students*

left thinking that fixing a faulty hypothalami in the world would offset all rapes from occurring. "
I have to question here the use of the word "generalize". Even if I had said this, which I didn't, it would not be a statement that "generalized" the function of the hypothalamus. The statement implies that I said that the only function the hypothalamus has deals with rape, or that some "rape function" of the hypothalamus effects other brain structures. I never said anything like that. I went into many different functions of the hypothalamus such as hunger, pleasure, temperature regulation, sex, aggression, control of the pituitary gland, etc. However, in regards to the reference, I was discussing these various functions of the hypothalamus and indicated that aggression and sexuality are located next to each other in the same area of the hypothalamus. I then made the ponderance that maybe rape is somehow possible or partially explained because of this placement. It was a consideration that I can easily exclude if the school would like me to. It was not in any way presented as a fact and I do not think any student took it as a fact. Nor did I imply that there are not many contributing factors to a complex behavior such as rape. I certainly did not make the definitive statement that the all famous "rape function" was the result of a dysfunctional hypothalamus or even vaguely implied the quite extreme statement that we could "*end all rape in the world by fixing a faulty hypothalami*". However, as it happens, there are many studies that are currently researching the

effect parts of the limbic system, with specific emphasis on the amygdala and hypothalamus, have on sexual aggression.

13- Paragraph 4 of the evaluation stated "*I liked the use of drawings on the board to help illustrate sections of the brain, but I would suggest also using a handout, an overhead picture of the brain, or a model of the brain to enhance the lecture and give students an opportunity to see where each of the structure are actually found.*"

Actually I usually have a handout- another simplified drawing of the brain with structures drawn and I ask the students to fill in the labels for each structure to again assist memorization but because we were running out of time, I skipped it that class. The suggestion that I pass out handouts of a realistic photo of the actual brain would be an excellent addition. There is such a picture in their book. I have greatly simplified the overall structure so that it facilitates memorization and I think it might be best if they fully learn from that before applying it to a more realistic version of the brain which can be quite confusing. But it would be a decided improvement , perhaps at the end of the class or the following class (to give students time to digest the material first) to additionally give them the realistic version.

14. The 5th paragraph of the evaluation states "*I thought the use of the activity at the end of class was a nice way to help the students think about and apply the complex information they had just learned. It was a creative and interesting activity and the*

students seemed to enjoy working in groups to discuss and complete the activity."
In an extremely positive way, with a very positive tone, the paragraph refers to the activity at the end of the class, which I appreciate very very much.
15-The 6th and last paragraph stated "*Overall, I thought Dr. Feher felt comfortable in her role as instructor and she was respectful and responsive to her students. I would suggest speaking more to the class and less to the chalkboard in order to gain a more commanding control of the classroom, as there were times it felt as if the students were controlling the class as opposed to the instructor. I would also strongly suggest updating the examples used and using more caution in explanations and examples so as to avoid making simplifications and generalizations like those mentioned above*"\
I, too, felt in the first 1/3 of the class the students were, for some unknown reason, trying to control my teaching of the material and then one student "directed" me as to what to do on the blackboard. After a moment of thought I simply said "No", the class cracked up, and thereafter I think the problem ceased to exist. I do not think this was because I was talking to the chalkboard nor is this usually what happens in class. As indicated already I repeatedly, repeatedly, injected the very latest research as I discussed each structure and specifically said I was doing this when it happened with such verbiage as "This is very new research". It couldn't be missed. It is quite surprising that, out of the more than dozen new research findings I

referred to during the presentation, these were all missed and the evaluation makes no mention of them at all but instead twice refers to my presentation as "outdated". Except perhaps for my narcissistic inclusion of my own publication, everything, but everything, I presented was totally consistent with the most current research findings. The fact that this blatant inaccuracy was included in the evaluation as well as the totally inaccurate statements about what structures I did or did not include and the implication that I only discussed affect when talking about the hemispheres makes me question the validity of the whole evaluation. There were some definitely positive statements in the evaluation, but they all dealt with factors that are relevant to teaching in general but have nothing to do with the requirements of teaching psychology specifically or neurophysiology. All the references to content of presentation and my competence with the material were negative. All positive discussion of my knowledge of the subject and my ability to present the specific subject matter successfully were excluded. Dr. Ryba struck me as being a rather nice young woman (who had recently received her doctorate and just joined the faculty probably less than a month before) and not really the type of person that could write such a grossly distorted evaluation. My (right-brained) intuition has been, although rarely, wrong before. However, since this evaluation (when it comes to content discussion) stylistically greatly greatly resembles the same inaccurate "negativity" that existed in the evaluation

I received two years ago, from another very young new faculty member and since the Observer seems to me to be much too nice of a human being to author this kind of "style", I do have to at least consider the possibility that, to some extent, both these evaluations may have been at least prompted or molded in some way by the same person and a person who was not even at the observation. However, whether or not Dr. Ryba was the one that actually wrote the full evaluation, the evaluation is decidedly an invalid reflection of the level of my teaching with this particular content and the presentation of it.

Dated: 12/03/04

Leslie Feher, Ph.D.

4-2-18

APPENDIX H-3

EXHIBIT E-LITWACK EVALUATION AND POST-EVALUATION MEETING FORM (PP.88-89)

JOHN JAY COLLEGE OF CRIMINAL JUSTICE
The City University of New York

OBSERVATION OF TEACHING

Candidate: Leslie Feher

Department: PSYCHOLOGY **Rank:** Adjunct Asst. Professor

Observer: Prof. Tom Litwack **Date of Visit:** 12/03/2003

Course & Section: Abnormal Psychology

Present your observations below. The Committee is interested in all aspects of the candidate's performance: Knowledge and organization of subject matter, method and appropriateness of presentation, ability to explain, encouragement to thinking on the part of students, personal manner and attitude toward students, student response, speaking ability. When illustrations will clarify your comments, please illustrate. A balanced assessment of the candidate's strengths and weaknesses will be most helpful. . Please try to estimate whether his/her level of competence is above or below average.

On the date I observed her class, Prof. Feher discussed Sexual Disorders and Disorders of Sexual Functioning. She discussed these potentially difficult topics very appropriately, and very informatively, and her students seemed

comfortable asking questions about the subject matter. Moreover, Prof. Feher had previously asked students to submit in writing - anonymously - any questions they had on the subject. I thought this was an excellent idea that led to good questions and answers. Throughout the lecture Prof. Feher made thoughtful and interesting points, and she held her students attention throughout.

There were some points made by Prof. Feher which I felt could have been explored further, and she made some errors when discussing the therapists' obligations to maintain confidentiality (not her area of expertise). All in all, however, I felt it was a very fine class.

_____ _____

Observer's Signature Date

_____ _____

Chairperson's Signature Date

H-3-2

APPENDIX-I

End of the meeting

O-we will definitely include this (and she points to the evaluation reply) in the file (unclear) What I want to write..what I do want to have Nancy write on this (unclear) is we usually would write here (unclear) and that you wanted to attach..I would say what it is (unclear) you want to make sure you write on there that you attach ..I would say an 8 page (unclear)
R- You want to write that or do you want me to
O - I think you should say it is an 8 page response plus, you know, an article , a background article
F- You have no regrets about anything?
R-No
F-No?
R-(turned white)
O-(unclear)
F-Are you going to fill in that the 3 of us met here?
R-Do I just write that in? (looks to O for approval)
I-(unclear)- she is dictating to Dr Ryba what to write
F- Are you going to write in anything about what occurred here?
R- I don't add. I think that , that, that what gets turned in is what I wrote and what you wrote
F- You are not going to put in any post observation?
O- (sounds like but not sure) Not here. This is only to reflect (unclear) writing
F- And I'll get a copy?
O yes (unclear) I'm gong to make a copy. I will have Diane give you a copy